

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Delegation to Farming Authority the Responsibility for  
P.L. 97-293 Farm Development and request to Secretary  
for '638 Construction Contracts)

RES. NO. 147-89

1  
2 WHEREAS, Public Law 97-293 (96 Stat. 1274), entitled the Southern  
3 Arizona Water Rights Settlement Act of 1982, provides  
4 for the delivery of Central Arizona Project Water to and  
5 the development of lands located within the San Xavier  
6 District and the Schuk Toak District of the Tohono  
7 O'Odham Nation; and

8 WHEREAS, the Nation has established a Water Project Office  
9 working under the direction of the Chairman of the  
10 Nation and the Nation's Water Resource Committee for the  
11 purpose of developing said lands within these two  
12 Districts; and

13 WHEREAS, the studies, part of the planning, and part of the  
14 architectural design have been completed and the initial  
15 P.L. 93-638 construction contract with the United  
16 States, through the BOR, is in the process of being  
17 negotiated and there is anticipated to be numerous '638  
18 planning, design and construction contracts, amendments  
19 and modifications to said contracts, prior to the  
20 October 12, 1992 completion date of these two farming  
21 developments; and

22 WHEREAS, there is an urgent need to create a process whereby  
23 these contracts, modifications and amendments thereto  
24 can be expedited efficiently and timely if the statutory  
25 completion date of October 12, 1992 is to be realized;  
26 and

27 WHEREAS, the Tohono O'Odham Farming Authority Plan of Operation,  
28 adopted and approved by this Legislative Council  
29 delegates to its Management Board the duty and power to  
30 develop the agricultural resources on land set aside  
31 therefore by this Legislative Council and the  
32 responsibility for the planning, construction and

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operation of all new farms and agricultural facilities and for the taking of any and all usual, necessary and convenient action incidental thereto including, should it be deemed advisable or desirable, the borrowing of funds, and the making of contracts and commitments necessary to the functioning of the organization; and

WHEREAS, this Council, through Farming Authorities Plan of Operation, has stated that the Management Board of the Authority shall exercise full power and shall be responsible for the custody and management, operation, inventory and maintenance of all farms and agricultural facilities owned or operated by the Nation; and

WHEREAS, under the provision of Section 102(a)(1) of P.L. 93-638, as amended, the Secretary of the Interior is directed, upon request by the Nation by a Nation's resolution, to enter into a self-determination contract or contracts with a Nation's organization to plan, conduct and administer construction programs or portions thereof. Section 102(a)(2) of P.L. 93-638, as amended, further provided that the Nation's organization may submit a proposal for a self-determination contract to the Secretary for review and approval and unless otherwise agreed to by the resolution of the Nation's organization the Secretary shall not revise or amend a self-determination contract with such Nation's organization; and

WHEREAS, under the definitions set forth in Section 4(L) of P.L. 93-638, as amended, the Tohono O'Odham Farming Authority qualifies as a "tribal organization" under the Act; and

WHEREAS, due to the limited time constraints to meet the mandatory October 12, 1992 completion date of this

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project, it is essential that a separate Nation's organization be delegated the authority to develop, draft and submit all necessary planning, design and construction proposals to the Secretary and to negotiate and execute the final contracts necessary to insure the completion of the P.L. 97-293 farm development by October 12, 1992 located within the San Xavier District and the Schuk Toak District; and

WHEREAS, the Tohono O'Odham Farming Authority has the expertise, experience, and is a qualified organization to be delegated the authority and responsibility to expedite the development and completion of these farming projects; and

WHEREAS, the Water Resource Committee and the Tohono O'Odham Farming Authority have submitted to this Council an Organizational Plan which places the Tohono O'Odham Water Project Office under the control and direction of the Tohono O'Odham Farming Authority, a copy of said Organizational Plan is attached hereto and made a part hereof; and

WHEREAS, to provide for San Xavier and Schuk Toak Districts to participate in the decision making process, the Farming Authority has revised its Plan of Operation to provide for the addition of one Board Member from each District which revisions has been submitted to the appropriate Committee; and

WHEREAS, due to critical time constraints, the appropriate Committees shall forward to this Council the revised Plan of Operation with its recommendations so that it can be considered by this Council, and if approved, appointments will be made to the Farming Authority's Board within ninety (90) days hereof; and

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2 WHEREAS, it would be in the best interest of the Nation that the  
3 responsibility for all matters regarding P.L. 97-293  
4 farm development located within these Districts,  
5 including but not limited to, the modifications,  
6 revisions, additions or amendments to all existing  
7 contracts and the submission of all future proposals and  
8 the negotiation and execution of all future contracts,  
9 including the modification, revision, addition or  
10 amendment thereof, be delegated to the Tohono O'Odham  
11 Farming Authority.

12 NOW, THEREFORE, BE IT RESOLVED that under the provision of  
13 Section 102(a)(1) of P.L. 93-638, as amended, this  
14 Council does hereby request the Secretary of the  
15 Interior to enter into self-determination contracts for  
16 the planning, design and construction of the P.L. 97-293  
17 farm development projects, including all facilities  
18 associated therewith for the San Xavier District and the  
19 Schuk Toak District of the Tohono O'Odham Nation and  
20 delegated to the Tohono O'Odham Farming Authority the  
21 authority to submit planning design and construction  
22 proposals to the Secretary for review and approval.

23 BE IT FURTHER RESOLVED that the Tohono O'Odham Farming Authority  
24 shall have the authority to negotiate and execute all  
25 future planning, designs and/or construction contracts  
26 for the development of these projects, including all  
27 modifications, revisions, additions or amendments  
28 thereto.

29 BE IT FURTHER RESOLVED that the Tohono O'Odham Farming Authority  
30 shall have the authority to negotiate, approve and  
31 execute all contractual modifications, revisions,  
32 additions or amendments to all existing contracts  
regarding the development of these projects.

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BE IT FURTHER RESOLVED that the full responsibility for the total development of these two projects are hereby delegated to the Tohono O'Odham Farming Authority.

BE IT FINALLY RESOLVED that a "Transitional Team" shall be formed from the following organizations: Executive, Legislative, Farming Authority, Water Project, and two community members be involved in the formulation of the administrative and financial systems, which meet Federal and Nation requirements, and to review proposed contracts that require approval during the interim period and that the effective date of the full delegation to the Farming Authority be no later than October 1, 1989. The Chairman of the Tohono O'Odham Nation shall have the authority to sign contracts during the transition period upon recommendation of the Transition Team.

The foregoing Resolution was passed by the Tohono O'Odham Council on the 4th. day of May, 1989 at a meeting at which a quorum was present with a vote of 894.0 for; 618.0 against; 128.0 not voting; and 03 absent, pursuant to the powers vested in the Council by Section 1 (b),(e),(i) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono O'Odham Nation on January 18, 1986, and approved by the Acting Deputy Assistant Secretary -Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

TOHONO O'ODHAM LEGISLATIVE COUNCIL

*Andrew M. Patricio*  
Harriet Toro, Legislative Chairperson

4 day of MAY, 1989.

ATTEST:

*Teresa M. Choyguha*  
Teresa M. Choyguha, Legislative Secretary  
4<sup>th</sup> day of May, 1989.

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Said Resolution was submitted for approval to the office of the  
Chairman of the Tohono O'odham Nation on the 4 day of  
MAY, 1989, at 4:50 o'clock, P.M.,  
pursuant to the provisions of Section 5 of Article VII of the  
Constitution and will become effective upon his approval or upon  
his failure to either approve or disapprove it within 48 hours of  
submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL

Andrew M. Patricia  
Harriet Toro, Legislative Chairperson

[ ] APPROVED ) on the 9th day of May, 1989,  
[X] DISAPPROVED ) at 8:09 o'clock, A.M.

Angelo J. Joaquin, Sr.  
ANGELO J. JOAQUIN, SR., Chairman  
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 9th day of  
May, 1989, at 8:35 o'clock, A.M.

Teresa M. Choyguha  
Teresa M. Choyguha  
Legislative Secretary

MOVED: Julia Carrillo

SUBJECT: Delegation to Farming Authority the

SECOND: Willard Juan, Sr.

responsibility for P.L. 97-293 Farm Develop

DATE: May 04, 1989

& request Secretary for '638 Constr.Contract

RESOLUTION #147-89

DISTRICTS	REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
CHUKUT KUK 169.0	1. Rosita Ruiz (Rosemary Lopez)	84.5		X		
	2. Harriet Toro ( )	84.5	X			
HICKIWAN 128.0	1. Lloyd Francisco (Eleanor Santos)	64.0			X	
	2. Henry Ramon (Billy Manuel)	64.0			X	X
GU VO 117.0	1. Cross Antone (Juan Joe Cipriano)	58.5		X		
	2. Virgil Lewis (Roy Montana)	58.5		X		
SAN LUCY 85.0	1. John Reno ( )	42.5		X		
	2. Max Jose (Dewey Ortega)	42.5		X		X
PISINEMO 116.0	1. Edward Manuel (Alex Antone)	58.0		X		
	2. Johnson Jose ( )	58.0	X			
GU ACHI 158.0	1. Fernando Joaquin ( )	79.0		X		X
	2. Percy Lopez ( )	79.0		X		
BABOQUIVARI 241.0	1. Joann Garcia (Frances Miguel)	120.5	X			
	2. Kenneth Chico, Sr. ( )	120.5	X			
SAN XAVIER 126.0	1. Tony Felix (Carmelita Mattias)	63.0	X			
	2. Eugene Enis (Michael Rios)	63.0		X		
SCHUK TOAK 105.0	1. <del>Joseph Juan</del> (Frances Francisco)	52.5		X		
	2. Julia Carrillo (JoAnn Francisco)	52.5	X			
SELLS 257.0	1. Fred Stevens ( )	128.5	X			
	2. Andrew Patricio (Daniel Lopez)	128.5	X			
SIF OIDAK 138.0	1. Willard Juan, Sr. (Melissa Gregorio)	69.0	X			
	2. Nicholas Jose (Letitia Garcia)	69.0	X			
TOTAL		1,640.0	894.0	618.0	128.0	03